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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant to Commission resolution 1993/84

Addendum

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Introduction

1. This addendum contains comments and other information received by the Secretary-General from the Governments of the Czech Republic, Nepal, Senegal and Ukraine to his request, in accordance with Commission on Human Rights resolution 1993/84 of 10 March 1993, on the question of conscientious objection to military service.

COMMENTS PROVIDED BY GOVERNMENTS

Czech Republic

[1 December 1994]
[Original: English]

2. Since the fall of the Communist regime in 1989, Czech legislation has undergone extensive changes especially in terms of general liberalization of social life and considerable enlargement of the catalogue of human rights and fundamental freedoms.

3. In the sphere of military regulations, the institution of refusal to perform the basic (alternative) military service or military exercise for reasons of conscience has been introduced. This is provided for in Law No. 18/1992 Coll. on non-military service which took effect on 16 January 1992.

4. Under Section 9 of Law No. 69/1993 Coll. on the establishment of ministries and other central organs of State administration of the Czech Republic, non-military service falls within the jurisdiction of the Ministry of Labour and Social Affairs of the Czech Republic.

5. So far there have been no shortcomings in the functioning of the organs of military administration within the meaning of Section 2, paragraphs 5 and 9 of Law No. 18/1992 Coll. which would infringe the implementation of the right to conscientious objection.

Nepal

[23 December 1994]
[Original: English]

6. The Permanent Mission of the Kingdom of Nepal reported that recruitment in the Royal Nepalese Army service is carried out with the consent of the concerned person and forceful recruitment is not allowed by the law in Nepal.

Senegal

[1 December 1994]
[Original: French]

7. The law on military service in Senegal contains no provision regarding conscientious objection.

8. Military service, although obligatory in Senegal, is performed in practice, and taking account of economic realities, on the basis of voluntary

enlistment for the duration of the legal service. However, the State may at any time, on its own initiative, call up any citizen fulfilling the conditions defined by the law. This particular provision is used exceptionally as an enforcement measure within the framework of the civic and moral training of young people.

Ukraine

[16 November 1994]
[Original: Russian]

9. With a view to the social protection of the civil rights of young persons and the exercise of the right to freedom of conscience guaranteed by the Ukrainian Constitution, the Ukrainian Alternative (Non-Military) Service Act, which defines the institutional and legal bases for such service, came into force on 1 January 1992. It provides that alternative service shall, as a rule, be performed in the area where the person lives and only in State enterprises. The conditions of employment of persons performing such service are governed by Ukrainian labour law; in other words, they enjoy all rights on an equal footing with the enterprise's regular workforce. The Act stipulates that alternative service shall be performed in institutions in the fields of social welfare, health care or environmental protection, or in municipal or agricultural enterprises or organizations. The length of service is twice that of military service.

10. To give effect to the Act, a decision by the Ukrainian Cabinet of Ministers sets out: the procedure for the performance of alternative service; a list of the sectors of the economy, enterprises, organizations and institutions to which Ukrainian citizens may be assigned; and a list of active religious organizations (denominations) whose teachings do not permit the use of weapons or service in the armed forces. State and regional commissions have been formed to organize placement for, and supervise the performance of alternative service.

11. The State now keeps statistical records of citizens' assignment to, and performance of alternative service.

12. The position at 1 January 1994 was that 800 persons in Ukraine were performing alternative service. Every draft for military service includes an alternative service contingent averaging 300 persons. Thus, in the autumn 1993 draft, 321 persons were assigned to alternative service as follows: social welfare, 31; health care, 53; environmental protection, 16; municipal works, 66; agriculture, 129; other, 26.

13. By region, the numbers of persons performing alternative service are: Volyn, 57; Zakarpatskaya, 28; Rovno and Chernigov, 30; Ivan Franko, 16, and so on.

14. The State commission on alternative service has examined the Act's implementation in practice. Its analysis of the arrangements for alternative service and proposals for improvements and measures to rectify shortcomings have been sent to the regional commissions.